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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,778	12/03/2003	Rudy A. Vandenbelt	HW-130	6138

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LAW OFFICE OF A.P. DURIGON
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EXAMINER

CINTINS, IVARS C

ART UNIT PAPER NUMBER

1724

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,778

Applicant(s)

VANDENBELT ET AL.

Examiner

Ivars C. Cintins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,7,9,11,12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) 1,4,6,7 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9,11,12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The recitation that the spillover wall (i.e. element 60) is “tilted upwardly” when “the pitcher is tilted downwardly” (claim 15, lines 7-8) is still deemed to be misdescriptive. As demonstrated by the appendix to the response filed August 8, 2005 (i.e. containing marked up Figs. 1 and 4), when the pitcher is tilted in direction A, the bottom of spillover wall 60 will indeed move upwardly, but the top of this spillover wall will apparently move downwardly since the top of the spillover wall moves in the same direction as the top of the pitcher (see Fig. 1). Accordingly, when the pitcher is tilted downwardly, the top of this spillover wall will also be tilted downwardly from its original upstanding vertical position.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutler et al. (U.S. Patent No. 6,454,941) in view of DE 3535679 A1, further in view of Heinz (U.S. Patent No. 146,590). Cutler et al. discloses a filter cartridge for a pitcher-type water purification device (see col. 3, line 2), which filter cartridge includes an ion exchange resin section (col. 3, line 12) and an activated carbon section (col. 3, line 49). Accordingly, this primary reference discloses the claimed invention with the exception of the arrangement of the

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two treatment sections (i.e. providing down, then up, flow directions), and the shape of the filter housing. DE 3535679 A1 discloses a filter cartridge having concentric treatment chambers arranged such that water undergoing treatment flows downwardly in the first treatment chamber, and then upwardly in the second treatment chamber. It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the treatment sections of Cutler et al. in the manner suggested by DE 3535679 A1, in order to produce a more compact filter cartridge. Also, Heinz shows a water filter cartridge having a housing which is wider than it is long; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the filter housing of the modified primary reference in the shape suggested by Heinz, in order to further compact the filter cartridge in this modified primary reference device.

Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutler et al., DE 3535679 A1 and Heinz as applied above, and further in view of Kahana (U.S. Patent No. 5,637,214). The modified primary reference discloses the claimed invention with the exception of the recited alignment member. Kahana discloses utilizing an alignment member in order to properly position the filter cartridge in a pitcher-type water purifier (see col. 3, lines 14-17). Since the filter cartridge of Cutler et al. is designed to be tilted in only one direction (see Figs. 1 and 8E), it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the filter cartridge of the modified primary reference with the alignment member of Kahana, in order to ensure that the filter cartridge is properly situated in the water pitcher of this of modified primary reference device. Upon such modification, the spillover wall (see Fig. 1 of Cutler et al.) of the modified primary reference device will travel in


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the same direction as the spillover wall recited in claim 15, when the water pitcher in this modified primary reference is tilted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is 571-272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at 571-272-1166.

The centralized facsimile number for the USPTO is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
September 20, 2005